

# Clarke County

---

Planning Commission  
**Regular Meeting Minutes**  
May 1, 2015



The regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, May 1, 2015.

## **ATTENDANCE**

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Scott Kreider; Frank Lee; Gwendolyn Malone and Jon Turkel.

**ABSENT:** Doug Kruhm, Cliff Nelson and John Staelin

## **STAFF**

Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; Alison Teetor, Natural Resource Planner; and Debbie Bean, Recording Secretary.

## **CALLED TO ORDER**

Chair Ohrstrom called the meeting to order at 9:00 a.m.

## **APPROVAL OF AGENDA**

The Commission voted to approve the Agenda as presented.

**Yes:** Bouffault, Buckley, Caldwell, Kreider, Lee, Malone (seconded), Ohrstrom and Turkel (moved)

**No:** No one

**Absent:** Kruhm, Nelson and Staelin

## **APPROVAL OF MINUTES**

The Commission voted to approve the briefing meeting minutes of March 31, 2015.

**Yes:** Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Lee, Malone, Ohrstrom and Turkel

**No:** No one

**Absent:** Kruhm, Nelson and Staelin

The Commission voted to approve the regular meeting minutes of April 3, 2015 as amended.

**Yes:** Bouffault (moved), Buckley, Caldwell (seconded), Kreider, Lee, Malone, Ohrstrom and Turkel

**No:** No one

**Absent:** Kruhm, Nelson and Staelin

## **Public Hearing Items**

**TA-15-01, Monopole Regulations.** Proposed text amendment to amend §3-C-2-u, Monopoles for Telecommunication Antennae (Supplementary Regulations); and §6-H-12, Monopoles for Telecommunication Antennae (Design Standards) of the Zoning Ordinance. The purpose of the

amendment is to add new language regarding co-location of antennas on existing monopoles in order to comply with recent changes to Federal law. The amendment would also add new and clarify existing requirements for special use permit and site plan applications for the siting of new monopoles.

Mr. Stidham explained this request. He gave a brief discussion of the purpose of this amendment. He said that this amendment would clarify existing requirements for special use permit and site plan applications for the siting of new monopoles. After discussion with staff and the Commission, Chair Ohrstrom opened the public hearing.

Frank Stearns, Attorney representing Verizon Wireless addressed the Commission and stated that he has worked with AT&T, T-Mobile, Sprint as well as Verizon throughout the Northern Virginia region. He said that before the meeting started this morning he spoke to Staff about the sections in the Clarke County Zoning Ordinance regarding telecommunications. He stated that these sections were last updated in 2003. He said that people's lives have changed since 2003 and the desire from residents in the community to have wireless broadband expanded for their jobs, e-medicine, e-books and increasing internet access for people to work from home has increased dramatically. He stated that the Commission and Staff need to work with the community in reviewing and updating the entire telecommunications section of the ordinance. He said he is requesting that these sections of the ordinance to be updated to reflect the regulations that Congress has adopted regarding monopoles. He said that it is very difficult to find a place for monopoles in Clarke County that will work within the network. He stated that the only way to correct the problem is to expand the tower facilities and increase the height of the towers.

Commissioner Turkel asked what other communities are doing to meet the regulations set by Congress for monopoles. Mr. Stearns said that Fauquier County did have an 80 foot cap on the height of towers and it is now at 199 feet.

Chair Ohrstrom asked what the best cap in height would be. Mr. Stearns said he normally sees towers at 150 feet. Commissioner Bouffault stated that she understands that Mr. Stearns would like to have flexibility in the height of the towers. She asked him what would be the maximum height flexibility he would like to see for a tower. Mr. Stearns said he would like to see a tower at 199 feet but he has not seen one that tall in years.

There being no further public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted to recommend adoption of the proposed text amendment to the Board of Supervisors on condition that the County Attorney verifies that the provision regarding setbacks is in compliance with Federal regulations.

**Yes:** Bouffault (moved), Buckley, Caldwell, Kreider (seconded), Lee, Malone, Ohrstrom and Turkel

**No:** No one

**Absent:** Kruhm, Nelson and Staelin

**TA-15-02, Farm Breweries and Farm Wineries Regulations.** Proposed text amendment to amend §3-A-1, Agricultural-Open Space-Conservation District (AOC); §3-A-2, Forestal-Open Space Conservation District (FOC); §3-C, Supplementary Regulations; and §9-B, Definitions, of the Zoning Ordinance. The purpose of the amendment is to create a new permitted use, "farm breweries," in the AOC and FOC Districts, and to establish supplementary regulations for the new permitted use. The text amendment also adds language to require zoning approval and issuance of a business license prior to operating a farm brewery or farm winery including provision of approved private well and onsite septic system permits issued by the Virginia Department of Health. Wineries, breweries, cideries, and distilleries would be specifically excluded from the special use, "Processing of Agricultural Products not totally produced in Clarke County," in the AOC and FOC Districts.

Mr. Stidham explained this request. He said that this proposed amendment is to create a new permitted use "farm breweries" in the AOC and FOC Districts. He stated that this amendment will also provide supplementary regulations for the new permitted use. After discussion among Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted to recommend approval of this proposed amendment as presented to the Board of Supervisors.

**Yes:** Bouffault, Buckley, Caldwell (moved), Kreider, Lee, Malone (seconded), Ohrstrom and Turkel

**No:** No one

**Absent:** Kruhm, Nelson and Staelin

**Recreation Component Plan.** The Recreation Plan is a new implementing component plan recommended by the 2013 Comprehensive Plan and is the County's first Plan that focuses on recreation resources. The purpose of the Plan is to address the recreational needs of the community and describe existing resources, how they will be protected and promoted, and the steps that should be taken to insure the continued viability and enhancement of these resources for present and future generations. The Plan establishes specific functional strategies and recommendations to protect, promote, grow, and enhance the County's active and passive recreational resources.

Ms. Teetor gave a brief overview of the Recreation Component Plan. She thanked all the members on the Recreation Plan committee for their hard work. She said that the purpose of the Plan is to address the recreational needs of the community and to describe existing resources. After discussion with Staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted to recommend approval of this proposed Recreation Component Plan. as presented to the Board of Supervisors.

**Yes:** Bouffault, Buckley, Caldwell, Kreider, Lee (seconded), Malone, Ohrstrom and Turkel (moved)

**No:** No one

**Absent:** Kruhm, Nelson and Staelin

## **Set Public Hearing**

### **Site Plan Amendment – SP-15-03**

Alain Borel (L'Auberge Provencale) requests approval of a Site Plan Amendment to construct a 725 square foot lounge/bar and a 54 square foot entrance to the existing structure on the property identified as Tax Map #28-A-12.

Mr. Fincham explained this request. He stated that this request is for an addition of 725 sq. ft. to the existing facility for a bar/lounge area. He said that the applicant indicated that most of the clients that will be using the facility will already be at the facility for dining and/or transient lodging. He stated that Staff has sent the plans to VDOT and the Health Department for their review. He said that VDOT is requesting that an asphalt overlay of the existing entrance be provided to tie-in to the existing white edge line elevation of the road as it has grown over time. He said that the Health Department is requesting in writing that no sewage flows will be increased due to the seven bar seats being included. He stated that the Health Department also has an active septic permit on file to convert the conventional septic system that is provided for the kitchen area into an alternative system. He said that the Health Department has noted that part of their approval is contingent on this being completed before this request is approved. He said that no additional outdoor lighting is proposed except for the addition of building mounted lights at the kitchen entrance. He stated that there will be another site plan committee meeting before the next meeting of the Planning Commission on June 5, 2015. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to set public hearing on this request for the June 5, 2015 Planning Commission meeting.

**Yes:** Bouffault (moved), Buckley, Caldwell, Kreider, Lee (seconded), Malone, Ohrstrom and Turkel

**No:** No one

**Absent:** Kruhm, Nelson and Staelin

## **Board/Committee Reports**

### **BOS report.**

Mr. Stidham said the BOS has hired Mr. Len Capelli as the new Director of Economic Development and Tourism.

### **Sanitary Authority (John Staelin)**

No report.

### **Board of Septic & Well Appeals (John Staelin)**

Ms. Teetor stated a septic variance was filed by Giel Millner which was approved at a public hearing on April 24, 2015.

### **Board of Zoning Appeals (Anne Caldwell)**

No report.

**Historic Preservation Commission (Doug Kruhm)**

Ms. Teetor stated that the annual awards luncheon is scheduled for noon on May 20, 2015 at the Camino Real restaurant.

**Conservation Easement Authority (George Ohrstrom, II)**

Ms. Teetor stated that a postcard was mailed out recently for a photo contest. She said that the contest is for any pictures taken of Clarke County.

**Other Business**

The Commission discussed having a committee review the Zoning Ordinance regarding telecommunications and Commissioners Bouffault, Kruhm and Turkel were selected to be on this committee. The Commission also agreed to arrange for Bob Mitchell, the County Attorney to research the federal regulations approved by Congress in regard to monopolies.

The Commission voted to create a telecommunications committee with Commissioners Bouffault, Kruhm and Turkel to serve on this committee. The Commission further agreed to have Bob Mitchell, the County Attorney research the federal regulations approved by Congress in regard to monopolies.


**Yes:** Bouffault, Buckley (moved), Caldwell, Kreider, Lee, Malone (seconded), Ohrstrom and Turkel

**No:** No one

**Absent:** Kruhm, Nelson and Staelin

**Adjourn**

There being no further business to come before the Commission, the meeting was adjourned at 9:49 a.m.



George L. Ohrstrom, II, Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary